

## NOTICE OF CLASS ACTION CERTIFICATION AND REDETERMINATION OF CUSTODY

*Preap, et al., v. Johnson, et al., No. 13-5754 (N.D. Cal.)*

This notice informs you of an ongoing lawsuit that affects your right to a bond hearing.

On May 15, 2014, the United States District Court for the Northern District of California certified a class of individuals in the state of California who are held in “mandatory detention” under section 236(c) of the Immigration and Nationality Act (INA) by the U.S. Department of Homeland Security (DHS), even though they were not immediately detained for removal proceedings when they were released from criminal custody for a section 236(c)(1) offense. The court issued a preliminary injunction holding that detention authority for class members arises under the discretionary detention provisions of section 236(a).

**You are being provided this notice because:**

- (1) You are a member of this class,**
- (2) You are no longer subject to mandatory detention under INA § 236(c); and,**
- (3) Your custody has been redetermined by DHS under the discretionary custody provisions of INA § 236(a).**

The results of your custody redetermination are shown in the attached DHS Form I-286. The Form I-286 will be read to you in your native language.

You may request that an Immigration Judge review the DHS custody decision by checking the appropriate box on the Form I-286. If you check the “I do request” box or if you do not check a box, you will be automatically scheduled for a bond hearing in immigration court.

At the bond hearing, you may present evidence of the following:

- That you are not a danger to the community through the nature of your criminal record and a showing of rehabilitation.
- That you will not attempt to flee from authorities while your case is pending through ties you have to your family and community, how long you have lived in the United States, your employment history, your history of appearing as required in other court cases, and your likelihood of winning your immigration case.

If you would like to speak with a lawyer, you may contact one of the organizations on the attached Free Legal Services Providers List. There is no guarantee you will receive a lawyer, but these organizations try to provide legal representation to as many people as possible.